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September 14, 2020

VIA ECF

Hon. Paul A. Engelmayer
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *MDA Manufacturing, Inc. v. Mexichem Fluor Comercial S.A. De C.V.*,
Civil Action No. 20-cv-03835
Plaintiff's Letter Motion to Partially Seal Amended Complaint

Dear Judge Engelmayer:

I write on behalf of Plaintiff MDA Manufacturing, Inc. ("MDA") in the above-captioned action. MDA respectfully requests an Order, similar to the Court's Orders May 18 and 20, 2020 (ECF Nos. 1 and 8), granting MDA leave to (i) file under seal the unredacted version of MDA's Amended Complaint (and its exhibits) in this action, and (ii) file a redacted public version of MDA's Amended Complaint. An unredacted version of the Amended Complaint, which highlights in yellow the portions that MDA proposes to redact from the public version, is enclosed herewith.

As MDA set forth in its May 15, 2020 letter motion regarding its original Complaint (*see* ECF No. 1), there are two primary reasons for MDA's request to file its Amended Complaint under seal. First, the relevant long-term supply contract (the "Contract") and its terms, which are referenced throughout MDA's Amended Complaint and its exhibits, are subject to a confidentiality obligation. Specifically, Section 12 of the Contract requires both parties to keep the Contract and its terms "strictly confidential." Second, the Contract contains competitively sensitive pricing information, which is also necessarily referred to in MDA's Amended Complaint, and public disclosure of that information would cause harm to MDA.

MDA has sought to minimize the redactions included in the proposed public version of its Amended Complaint, limiting them only to those necessary portions that refer to confidential information. MDA therefore respectfully asks the Court to endorse this letter, and to permit MDA to file an unredacted version of its Amended Complaint (and its exhibits) under seal and to allow MDA to file publicly the redacted version of that Amended Complaint.

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We appreciate your attention to this matter.

Respectfully submitted,

Allison L. Waks


cc: Theodore M. Grossman, Esq.
Michael A. Platt, Esq.
Debbie McComas, Esq.
Joseph Lawlow, Esq.

Enclosure

Granted.

SO ORDERED.

9/15/20



PAUL A. ENGELMAYER
United States District Judge

September 15, 2020